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An unending variety of topics

Monday, October 31, 2005

Software patents paper

In my previous entry I mentioned the software patents paper I wrote a few months ago, and I have now put it online. In this paper I describe how software came to be patentable in the United States despite the Supreme Court's holdings that "mathematical algorithms" are unpatentable.

I now reiterate the recommendation I made in the paper: the Supreme Court should reverse the Federal Circuit's holding in *Metabolite* based on the subject matter limitation in 35 U.S.C. 101. It should analyze subject matter patentability based on the *Neilson* test as applied in *Parker v. Flook* and clarified in the paper.

Posted by Nick Szabo at 4:30 PM

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Nick Szabo

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